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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

David Losey, individually,) Case No.: 2:23-cv-01958-JAD-BNW
)
Plaintiff,) STIPULATED DISCOVERY PLAN AND
vs.) SCHEDULING ORDER PURSUANT TO FED.
Best Buy Co., Inc., a foreign corporation;) R. CIV. P. 26(f) and LR 26-1(b)
and DOES 1 through 100; and ROE) (Special Scheduling Review Requested)
CORPORATIONS 101 through 200,)
Defendants)

The parties submit the following Stipulated Discovery Plan and Scheduling Order pursuant to LR 26-1(b) and Fed. R. Civ. P. 26(f). Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

1. **Fed. R. Civ. P. 26(f) Conference:** Pursuant to Fed. R. Civ. P. 26(f), counsel for the parties conferred by telephone to develop a proposed discovery plan on January 3, 2024. The conference was attended by Ryan Kerbow, Esq., counsel for Plaintiff David Losey, and Dallin Knecht, Esq., counsel for Defendant Best Buy Co., Inc.

2. **Pre-Discovery Disclosures:** Pursuant to Fed. R. Civ. P. 26(a)(1), the parties will make their pre-discovery disclosures, including all information required under Fed. R. Civ. P. 26(a)(1), on or before January 17, 2024.

1 3. **Areas of Discovery:** The parties agree that the areas of discovery should include, but not
2 be limited to, all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

3 4. **Discovery Plan:** The parties propose the following discovery plan:

4 a. Discovery Deadline [LR 26-1(b)(1)]: The Defendant filed its Notice of Removal on
5 11/28/23. Plaintiff has incurred substantial damages in this case and continues to seek
6 treatment. For these reasons, the parties propose that the last day of discovery shall be
7 July 25, 2024, which is calculated as 240 days from the Notice of Removal.

8 b. Amendment of Pleadings and Addition of Parties [LR 26-1(b)(2)]: The parties shall
9 have until April 26, 2024, to file any motions to amend pleadings or add parties. This is
10 calculated as 90 days before the proposed discovery deadline.

11 c. Fed. R. Civ. P. 26(a)(2) Disclosures [LR 26-1(b)(3)]: Disclosure of experts shall
12 proceed according to FRCP 26(a)(2), except that, pursuant to LR 26-1(b)(3), the initial
13 disclosure of expert reports shall occur on May 27, 2024, which is 60 days before the
14 proposed discovery deadline. The disclosure of rebuttal experts shall occur on June 26,
15 2024, which is 30 days after the proposed initial expert deadline.

16 d. Dispositive Motions [LR 26-1(b)(4)]: The parties shall have until August 26, 2024 to
17 file dispositive motions, which is 30 days after the proposed discovery deadline.

18 e. Pre-Trial Order [LR 26-1(b)(5)]: The joint pre-trial order shall be filed by September
19 25, 2024, which is 30 days after the date set for filing of dispositive motions. If a
20 dispositive motion is timely filed, this deadline is suspended until 30 days after the
21 decision of the dispositive motion or further order of the Court.

22 f. Trial Readiness: This case should be ready for trial by January 2025 and is expected to
23 take approximately 7-10 days.

24 g. Rule 26(a)(3) Disclosures [LR 26-1(b)(6)]: Unless otherwise directed by the Court,
25 pretrial disclosures as set forth in FRCP 26(a)(3) and any objections to them shall be

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1 included in the joint pretrial order.

2 h. Court Conferences: If the Court has questions regarding the dates proposed by the
3 parties, the parties request a conference with the Court before entry of the Scheduling
4 Order. If the Court does not have questions, the parties do not request a conference
5 with the Court.

6 i. Extension or Modification of the Discovery Plan and Scheduling Order: LR 26-4
7 governs modifications or extensions of the Discovery Plan and Scheduling Order. Any
8 stipulation or motion to extend a deadline set forth in the discovery plan must be made
9 not later than 21 days before the subject deadline unless good cause exists to request an
10 extension thereafter. Any stipulation or motion to extend the discovery period must be
11 made no later than July 3, 2024, which is 21 days before the discovery deadline unless
12 good cause exists to request an extension thereafter.

13 j. Format of Discovery: Pursuant to the electronic discovery amendments to the Federal
14 Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-
15 discovery issues pertaining to the format of discovery at the FRCP 26(f) conference.
16 The parties do not anticipate discovery of native files or metadata at this time, but each
17 party reserves the right to make a showing for the need of such electronic data as
18 discovery progresses.

19 5. **Alternative Dispute Resolution and Settlement [LR 26-1(b)(7)]**: The parties certify that
20 they met and conferred about the possibility of using ADR processes, including mediation,
21 arbitration, and if applicable, early neutral evaluation.

22 6. **Alternative Forms of Case Disposition [LR 26-1(b)(8)]**: The parties certify that they
23 considered consent to a trial by a Magistrate Judge under 28 U.S.C. § 636(c) and Fed. R.
24 Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01).

25 7. **Electronic Evidence [LR 26-1(b)(9)]**: The parties certify that they discussed whether they

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1 intend to present evidence in electronic format to jurors for the purposes of jury
2 deliberations. The parties may present evidence in electronic format to jurors for the
3 purposes of jury deliberations in compliance with the Court's electronic jury evidence
4 display system.

5

6 8. **Review of Local Rule 26-1(b):** The parties certify that they have read the text of Local
7 Rule 26-1(b), effective as amended April 17, 2020.

8

9 Dated this 9th day of January,
10 2024

11 Dated this 9th day of January, 2024

12 Ryan Kerbow _____

13 Dallin Knecht

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19 **IT IS SO ORDERED**

20 **DATED:** 6:20 am, January 11, 2024

21 

22 **BRENDA WEKSLER**
23 **UNITED STATES MAGISTRATE JUDGE**